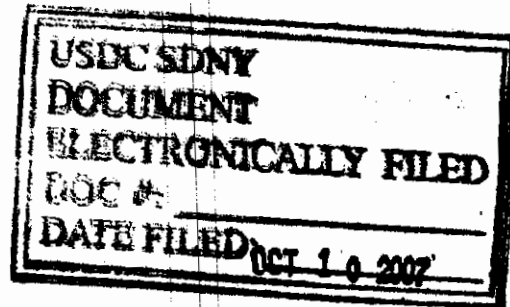


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAMES DIGGS, SR.,

Plaintiff,

- against -

NEW YORK MARINE TOWING.,

Defendants.
-----X

07-CV-08035 GDB

ORDER AND STIPULATION
TO TRANSFER VENUE TO
EASTERN DISTRICT
OF NEW YORK

WHEREAS, plaintiff filed a complaint in the district; and,


WHEREAS, venue is not proper in this district, but rather proper in an adjacent district,
i.e., the Eastern District of New York, Central Islip Courthouse; therefore,

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the plaintiff
JAMES DIGGS, SR. and the defendant NEW YORK MARINE TOWING, that the venue of the
above captioned matter be transferred to the U.S. District Court for the Eastern District of New
York, Central Islip Courthouse.

IT IS FURTHER STIPULATED AND AGREED that, by entering into this Stipulation,
defendant NEW YORK MARINE TOWING does not waive any of its defenses to this lawsuit.

Dated: New York, New York
September 28, 2007


O'BRYAN BAUN COHEN KUEBLER
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So Ordered:


OCT 10 2007
U. S. P. C. J.

HON. GEORGE B. DANIELS